

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

CHRISTOPHER SNAPP,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	
CHARLES M. HEISS, et al.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Pursuant to the provisions of 28 U.S.C. § 1441(a) and § 1446, Defendants Charles Heiss and Aubrie Duvall; remove the above-captioned action from the Circuit Court of Johnson County, Missouri, to the United States District Court for the Western District of Missouri.

Removal of this action is proper because, pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a), this Court has original jurisdiction founded on Plaintiff's claims arising under the constitution and the laws of the United States insofar as they seek damages and redress for civil rights violations. Specifically, Plaintiff raises claims of violations of 42 U.S.C. § 1983 in Counts I and III (Petition for Damages, ¶¶ 11-20, pgs. 3-5 and ¶¶ 28-34, pgs. 7-8).

Removal of this action is proper in that all Defendants that have been served agree and consent to the removal. Specifically, Defendants Aubrie Duvall and Charles Heiss, consent and agree to this removal. Upon the best information and belief, counsel for Defendants Aubrie Duvall and Charles Heiss, do not believe that the Defendants identified as "Jane/John Doe" in Plaintiff's Petition have been served to date and consequently their consent is not required for removal pursuant to *Roberts v. Palmer*, 354 F. Supp. 2d 1041 (E.D. Mo. 2005); see also *Lewis v. Rego Co.*, 757 F.2d 66 (3rd Cir. 1985); *McKinney v. Board of Trustees*, 955 F.2d 924 (4th Cir. 1992); *Shaw*

*v. Dow Brands, Inc.*, 994 F.2d 364 (7th Cir. 1993); *Gillis v. Louisiana*, 294 F.3d 755 (5th Cir. 2002).

Plaintiff filed his Petition for Damages, which includes the federal claims as set out above, on May 4, 2016. Defendant Aubrie Duvall was served on January 26, 2017. Defendant Charles Heiss voluntarily accepts service and enters his appearance through undersigned counsel. Removal is timely and proper under 28 U.S.C. § 1446(b)(1) because this removal is being filed less than 30 days after service on the Defendants.

Written notice of removal has been mailed to all parties and to the Clerk of the Circuit Court of Johnson County, Missouri, pursuant to 28 U.S.C. § 1446(d), a copy of which is attached as **Exhibit 1**. Pursuant to 28 U.S.C.A § 1446(a), a copy of Plaintiff's Petition for Damages served upon Defendants is attached hereto as **Exhibit 2**, along with a copy of the Return of Service showing service on Defendant Aubrie Duvall as **Exhibit 3**.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of February, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I further certify that I have caused to be served on the following a true and correct copy of the above and foregoing by depositing same in the United States Mail, postage prepaid.

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/s/ David S. Baker  
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